

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EUGENE ANDREWS,)
Plaintiff,)
)
v.) Civil Action No. 08-127
)
CARYDALE APARTMENT MANAGE-)
MENT, INC., ET AL.,)
Defendant.)

MEMORANDUM ORDER

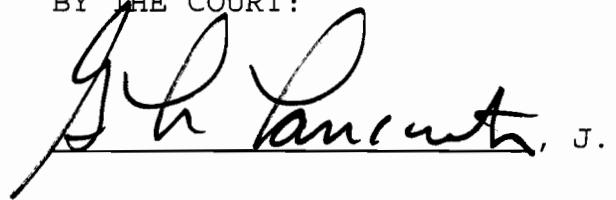
The record in this case reflects that complaint in this civil action was filed by plaintiff on January 28, 2008.

Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, service of a summons and complaint is to be effectuated upon all named defendants within 120 days of the filing of the complaint, with proof of same being filed with the court. None was filed and on June 3, 2008, a show cause order was issued to plaintiff, requesting that cause be shown by June 16, 2008 why this action should not be dismissed for failure to prosecute. That order was sent to plaintiff, by both regular and certified mail, to the address he provided on his complaint and civil cover sheet. Both mailings were returned with no forwarding address provided and a review of the docket sheet as of the date of this order reflects that no change of address has been filed by plaintiff. Thus it appears to the Court that plaintiff has abandoned this action.

Therefore, under the circumstances, and pursuant to Fed.R.Civ.P. 41(b), we will exercise our inherent power to dismiss the case due to the inaction of the party seeking relief. See Link v. Wabash Railroad Co., 370 U.S. 626 (1961).

Accordingly, this 16th day of June, 2008, IT IS HEREBY ORDERED that the instant case is dismissed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "John J. Lantana". The signature is fluid and cursive, with "John" and "J. Lantana" being the most distinct parts.

cc: Eugene Andrews
1223 East Parkway
McKeesport, PA 15132